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# HIGH COURT OF CHHATTISGARH AT BILASPUR

## DIVISION BENCH

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**CORAM : HON'BLE SHRI H.L. DATTU, CJ.**
**HON'BLE SHRI V.K. SHRIVASTAVA, J.**

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**W. P. No.3013 of 2000**

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| **PETITIONER** | 1. | Union of India, represented through the General Manager, South Eastern Railway, Garden Reach, Calcutta. |
| | 2. | The Chief Personnel Officer South Eastern Railway, Garden Reach, Calcutta. |
| | 3. | The Senior Divisional Personnel Officer South Eastern Railway, Garden Reach, Bilaspur. (MP). |
| | | Versus |
| **RESPONDENTS** | 1. | J.N. Mohanty S/o Shri Sudarshan Mohanty, Goods Guard, SE Railway, Bilaspur R/o M Papa Rao Building, Gudakhoo Factory Road, Shankar Nagar, Bilaspur (MP). New Delhi |
| | 2. | The Central Administrative Tribunal, Bench at Jabalpur (MP) Through its Registrar. |

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**Present :** Shri P.S. Koshy, counsel for the petitioners.

Shri H.S. Ahluwalia, counsel for respondent No.1.

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**ORAL ORDER**

**(Passed on 20th March, 2007)**

The following oral order of the Court was passed by **H.L. Dattu, C.J.**

The first respondent is an employee working in South Eastern Railway ('Railways' for short). According to the petitioner, the first respondent is a Goods Guard and therefore, he would fall under the category of running staff.

(2) By issuing a notification dated 10.10.1991, the petitioners had notified and called the eligible persons to participate in the promotion process to be

held for the post of Welfare Inspector Grade – III in the pay scale of Rs.1400 – 2300/-

(3) According to the petitioners, this promotion was meant only for stationary staff alone. The first respondent herein who was working as a running staff had participated in the selection process held for Welfare Inspector Grade – III pursuant to the notification issued by the Railways dated 10.10.1991. In the promotion process, he was selected and therefore, he was called for viva-voce test.

(4) Thereafter, the petitioners/Railways have realized that since the petitioner is working as a running staff, he is not eligible to be called for viva-voce test. Accordingly, they have issued an appropriate endorsement to the first respondent dated 02.07.1992. Aggrieved by this action of the petitioners, the first respondent had filled O.A. No.280 of 1993 before the Tribunal. The Tribunal had allowed the application filed by the first respondent by order dated 08.02.2000 and had issued certain direction to the Railway Authorities.

(5) The Railway Authorities being aggrieved by the orders and directions issued by the Tribunal are before this Court in the present writ petition. This Court while entertaining the writ petition, by order dated 21.06.2000 had granted an interim order staying the orders and directions issued by the Tribunal and the said interim order came to be vacated by this Court on 20.06.2005. Further, this Court has directed the petitioner to invite the first respondent for viva-voce test and if he is found eligible, to appoint him as a Welfare Inspector, subject to the result of the writ petition.

(6) Shri P.S. Koshy, learned counsel appearing for the petitioners/Railways would submit that during the pendency of this writ petition, the Railway Authorities have implemented the orders and directions issued by the Tribunal in O.A. No.280 of 1993, disposed of on 08.02.2000 and have also complied

with the interim directions issued by this Court on 20.06.2005 and therefore, the issues raised in this writ petition are wholly academic and the Court need not decide the academic issues.

(7) When learned counsel appearing for the petitioners himself says that in view of the development that has taken place during the pendency of this writ petition, the issues raised in the petition have become academic, in our opinion it may not be necessary for us to go into the merits of the contentions canvassed by the petitioners in this writ petition. Accordingly, the writ petition is disposed of as unnecessary. However, liberty is reserved to the first respondent to approach the petitioners/Railway Authorities, if for any reason he has other grievances. If and when such request is made by the first respondent, the Railway Authorities are requested to consider the same in accordance with law. Ordered accordingly.

**Sd/-**
**V.K. Shrivastava**
**Judge**

**Sd/-**
**Chief Justice**